

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CINDY CANTY,

Plaintiff,

Case No. 17-cv-12795
Hon. Matthew F. Leitman

v.

EQUITYEXPERTS.ORG, LLC

Defendant.

**ORDER TERMINATING (1) PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT (ECF #18) AND (2) DEFENDANT'S MOTION FOR AN
EXTENSION OF TIME TO FILE A RESPONSE (ECF #21)
WITHOUT PREJUDICE**

In this action, Plaintiff Cindy Carty alleges that Defendant EquityExperts.org, LLC violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*, the Michigan Collection Practices Act, Mich. Comp. Laws § 445.251 *et seq.*, and the Michigan Occupational Code, Mich. Comp. Laws § 339.901 *et seq.* (*See* Compl., ECF #1.) Carty moved for summary judgment on October 12, 2018. (*See* Mot., ECF #18.) EquityExperts moved for an extension of time to file its response brief on December 10, 2018. (*See* Mot., ECF #21.)

On January 18, 2019, the Court entered an order staying this action based on the stipulation of the parties. (*See* Stipulated Order, ECF #27.) The Court entered the stay because this case presents similar issues to *Sparks v. EquityExperts.org, LLC*, E.D.

Mich. Case No. 17-cv-11330, and *Sparks* is currently on appeal before the United States Court of Appeals for the Sixth Circuit.

The Sixth Circuit's decision in *Sparks* may obviate the need to go forward with the summary judgment motion and/or may moot this action. At the very least, as the parties acknowledged in the stipulated order, "if the court of appeals issues a substantive ruling on appeal in *Sparks*, both [parties] will likely need to rely upon that opinion ... in any summary judgment motions, responses, and replies." (Stipulated Order at ¶6, ECF #30 at Pg. ID 176.) The Court therefore concludes that the most efficient course of action is to terminate Canty's currently-pending motion for summary judgment without prejudice. Canty can re-file her motion, if appropriate, after the Sixth Circuit issues its ruling in *Sparks*.

Accordingly, for the reasons stated above, Canty's motion for summary judgment (ECF #18) and EquityExperts' motion for an extension of time to respond to that motion (ECF #21) are **TERMINATED WITHOUT PREJUDICE**. The parties shall inform the Court once the Sixth Circuit issues a ruling in *Sparks*, and the Court will thereafter convene a telephonic status conference to discuss (1) lifting the stay of proceedings and (2) issuing a schedule for a renewed motion for summary judgment, if appropriate.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: August 20, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 20, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(810) 341-9764